No. 87-1279

FILED

MAR 9 1988

JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1987

ALEXIA MORRISON, INDEPENDENT COUNSEL,
Appellant,

v.

THEODORE B. OLSON,
EDWARD C. SCHMULTS, and
CAROL E. DINKINS,
Appellees.

On Appeal from the United States Court of Appeals For The District of Columbia Circuit

JOINT APPENDIX

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JURISDICTIONAL STATEMENT FILED FEBRUARY 1, 1988
PROBABLE JURISDICTION NOTED FEBRUARY 22, 1988

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CHRONOLOGICAL LIST OF RELEVANT DOCKET ENTRIES[1]

United States District Court for the District of Columbia

In re Sealed Case, Misc. No. 87-0197

June 1, 1987—Motion by Edward C. Schmults to Quash Grand Jury Subpoenas; Exhibits (5) (March 3, 1988).

June 9, 1987—Opposition by Independent Counsel to Motion to Seal and to Motion to Quash Grand Jury Subpoenas; Exhibits (4) (March 3, 1988).

July 20, 1987—Order denying Motion to Quash. Robinson, C.J. (March 3, 1988).

July 20, 1987—Memorandum Opinion.

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[1] The relevant docket entries on this list are for the most part abstracted from the dockets of the courts below. Because those dockets are in two respects potentially confusing, the parties have in two instances departed from that format.

(a) The dockets of both courts below are incomplete and do not contain some relevant entries. Where that is the case, the parties have added to this list items which do not actually appear as entries in the dockets of the courts below but which the parties agree should have appeared there and properly reflect the record. These additional items are indicated by an asterisk in the margin next to them.

(b) Between June 1 and August 20, 1987, approximately forty-five (45) documents were filed under seal in the District Court. Until January 1, 1988, it was apparently the practice of the Clerk of the District Court to make no docket entry reflecting the filing of a document under seal. Portions of the District Court record were unsealed on three dates, January 19, February 1, and March 3, 1988, and it was not until those dates that the Clerk actually made docket entries reflecting the earlier filing of sealed documents. Such entries do not appear, however, in chronological order in the dockets but rather in a group entry under the date of unsealing. In order to eliminate any confusion, the parties have reordered such entries, placing them in chronological order of filing but indicating in parentheses at the end of each such entry the date on which the document was unsealed and entered in the docket.

August 18, 1987—Order finding Edward C. Schmults in contempt; confining Edward C. Schmults for the life of the grand jury or until he complies with the order of July 20, 1987; staying order pending appeal, provided a notice of appeal filed within twenty-four hours. Hogan, J. (March 3, 1988).

In re Sealed Case, Misc. No. 87-0205

*June 9, 1987—Motion by Theodore B. Olson to Quash Grand Jury Subpoenas.

June 17, 1987—Opposition by Independent Counsel to Motion to Quash Grand Jury Subpoena; Exhibits (2) (March 3, 1988).

*June 24, 1987—Reply by Theodore B. Olson to Independent Counsel's Opposition to Motion to Quash.

July 20, 1987—Memorandum and Order denying Motion to Quash Grand Jury Subpoenas. Robinson, C.J. (March 3, 1988).

July 24, 1987—Motion by Theodore B. Olson for Reconsideration of Sealed Memorandum and Order (March 3, 1988).

July 31, 1987—Opposition by Independent Counsel to Motion for Reconsideration of Sealed Memorandum and Order (March 3, 1988).

July 31, 1987—Reply by Theodore B. Olson to Opposition of Independent Counsel to Motion for Reconsideration (March 3, 1988).

August 4, 1987—Order denying Motion for Reconsideration of Sealed Memorandum and Order; directing movant to forthwith comply with subpoena. Robinson, C.J. (March 3, 1988).

August 19, 1987—Order finding Theodore B. Olson in civil contempt; confining Theodore B. Olson for the life of the grand jury or until he complies with the Court's order of August 4, 1987; staying order pending appeal, provided a notice of appeal be filed within twenty-four hours. Hogan J. (March 3, 1988).

December 23, 1987—Motion by Independent Counsel to Modify Contempt Order; Exhibit (1) (January 19, 1988).

January 7, 1988—Opposition by Theodore B. Olson to Motion to Modify Contempt Order[2] (January 19, 1988).

January 11, 1988—Reply by Independent Counsel to Opposition to Motion to Modify Contempt Order (January 19, 1988).

January 12, 1988—Response by Mr. Olson to Independent Counsel's Reply to Opposition to Motion to Modify Contempt Order (January 19, 1988).

January 26, 1988—Order denying Motion to Modify Contempt Order. Robinson, C.J.

In re Sealed Case, Misc. No. 87-0215

June 15, 1987—Motion by Petitioner Carol E. Dinkins to Seal Grand Jury Records and Motion to Quash Grand Jury Subpoenas; attachment (March 3, 1988).

June 26, 1987—Opposition by Independent Counsel to Motion to Seal; Opposition by Independent Counsel to Motion to Quash; Exhibits (3) (March 3, 1988).

July 20, 1987—Order denying Motion to Quash Grand Jury Subpoena. Robinson, C.J.

July 20, 1987—Memorandum Opinion.

August 18, 1987—Order finding Carol E. Dinkins in contempt; confining Carol E. Dinkins for the life of the grand jury or until she complies with the Court Order of July 20, 1987; staying order pending appeal, provided a notice of appeal filed within twenty-four hours. Hogan, J. (March 3, 1988).

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[2] In the District Court docket, this entry appears incorrectly as "Opposition by Independent Counsel to motion to modify contempt order." In order to avoid any confusion, the parties have corrected this entry.

United States Court of Appeals for the District of Columbia Circuit, In re Sealed Case, No. 87-5261

August 19, 1987—Copy of notice of appeal and docket entries from Clerk, D.C. Under seal in vault.

August 31, 1987—Joint Appendix—under seal in vault.

August 31, 1987—Appellants' in 87-5261 and 5265 Envelope—under seal in vault.

August 31, 1987—Appellants' in 87-5261 and 5265 Brief.

August 31, 1987—Appellants' in 87-5261 and 5265 Exhibits to Brief.

August 31, 1987—Joint Appendix.

*August 31, 1987—Brief of Amicus Curiae United States.

September 8, 1987—Appellee's submission of material—under seal in vault.

September 8, 1987—Appellee's Brief and Appendix.

September 15, 1987—Reply Brief for Appellants—filed per above order.

September 16, 1987—Argued before Ruth B. Ginsburg, Silberman and Williams, C.J.'s.

January 22, 1988—Opinion for the Court filed by Circuit Judge Silberman.

January 22, 1988—Dissenting Opinion filed by Circuit Judge Ruth B. Ginsburg.

January 22, 1988—Judgment by this Court that the judgment of the District Court appealed from in these causes is hereby reversed, in accordance with the Opinion for the Court filed herein this date.

January 22, 1988—Mandate Order.

January 26, 1988—Appellee's Emergency Motion to Stay Issuance of Mandate.

January 26, 1988—Appellee's Motion for Expeditious Consideration.

January 29, 1988—Appellant's (Olson) Response to Emergency Motion.

January 29, 1988—Appellee's Reply to Response to Emergency Motion.

February 1, 1988—Per Curiam order that to allow appellee to pursue whatever rights she may have to seek further review of this court's decision, the mandates of this court shall be stayed for 30 days from the date of this order (see order for details) and that the stay of mandates requested by appellee and granted by this court is conditioned upon appellee not exercising during the pendency of the stay and unless the Supreme Court otherwire directs any authority purportedly conferred by 28 U.S.C. 591-598, with the exception of the acts directly incident to pursuing the right to appeal set forth in 28 U.S.C. 594(a)(3) and that appellee's request for modification of conditions of stay of confinement is denied. Ruth B. Ginsburg, Silberman and Williams, C.J.'s.

February 1, 1988—Appellant's Notice to the Supreme Court of the United States of Appeal.

In re Sealed Case, No. 87-5264

August 19, 1987—Copy of notice of appeal and docket entries from Clerk, D.C. Under seal in vault.

August 31, 1987—Joint Appendix—under seal in vault.

August 31, 1987—Joint Appendix.

August 31, 1987—Appellant's in 87-5264 sealed material—under seal in vault.

*August 31, 1987—Brief of Amicus Curiae United States.

September 8, 1987—Appellee's submission of material—under seal in vault.

September 8, 1987—Appellee's Brief.

September 8, 1987—Appellee's Exhibits to Brief.

September 11, 1987—Appellant's (in 87-5264) Reply Brief.

September 11, 1987—Appellant's documents filed under seal—under seal in vault.

September 15, 1987—Reply Brief for Appellants—filed per above order.

September 16, 1987—Argued before Ruth B. Ginsburg, Silberman and Williams, C.J.'s.

January 22, 1988—Opinion for the Court filed by Circuit Judge Silberman.

January 22, 1988—Dissenting Opinion filed by Circuit Judge Ruth B. Ginsburg.

January 22, 1988—Judgment by this Court that the judgment of the District Court appealed from in these causes is hereby reversed, in accordance with the Opinion for the Court filed herein this date.

January 22, 1988—Mandate Order.

January 26, 1988—Appellee's Emergency Motion to Stay Issuance of Mandate.

January 26, 1988—Appellee's Motion for Expeditious Consideration.

January 29, 1988—Appellant's (Olson) Response to Emergency Motion.

January 29, 1988—Appellee's Reply to Response to Emergency Motion.

February 1, 1988—Per Curiam order that to allow appellee to pursue whatever rights she may have to seek further review of this court's decision, the mandates of this court shall be stayed for 30 days from the date of this order (see order for details) and

that the stay of mandates requested by appellee and granted by this court is conditioned upon appellee not exercising during the pendency of the stay and unless the Supreme Court otherwise directs any authority purportedly conferred by 28 U.S.C. 591-598, with the exception of the acts directly incident to pursuing the right to appeal set forth in 28 U.S.C. 594(a)(3) and that appellee's request for modification of conditions of stay of confinement is denied. Ruth B. Ginsburg, Silberman and Williams, C.J.'s.

February 1, 1988—Appellant's Notice of Appeal to the Supreme Court of the United States.

In re Sealed Case, No. 87-5265

August 19, 1987—Copy of notice of appeal and docket entries from Clerk, D.C. Under seal in vault.

August 31, 1987—Joint Appendix—under seal in vault.

August 31, 1987—Appellants' in 87-5261 and 5265 Envelope—under seal in vault.

August 31, 1987—Appellants' in 87-5261 and 5265 Brief—under seal in vault.

August 31, 1987—Appellants' in 87-5261 and 5265 Exhibits to Brief—under seal in vault.

August 31, 1987—Joint Appendix.

*August 31, 1987—Brief of Amicus Curiae United States.

September 8, 1987—Appellee's submission of material—under seal in vault.

September 8, 1987—Appellee's Brief and Appendix.

September 15, 1987—Reply Brief for Appellants—filed per above order.

September 16, 1987—Argued before Ruth B. Ginsburg, Silberman and Williams, C.J.'s.

January 22, 1988—Opinion for the Court filed by Circuit Judge Silberman.

January 22, 1988—Dissenting Opinion filed by Circuit Judge Ruth B. Ginsburg.

January 22, 1988—Judgment by this Court that the judgment of the District Court appealed from in these causes is hereby reversed, in accordance with the Opinion for the Court filed herein in this date.

January 22, 1988—Mandate Order.

January 26, 1988—Appellee's Emergency Motion to Stay Issuance of Mandate.

January 26, 1988—Appellee's Motion for Expeditious Consideraton.

January 29, 1988—Appellant's (Olson) Response to Emergency Moton.

January 29, 1988—Appellee's Reply to Response to Emergency Motion.

February 1, 1988—Per Curiam order that to allow appellee to pursue whatever rights she may have to seek further review of this court's decision, the mandates of this court shall be stayed for 30 days from the date of this order (see order for details) and that the stay of mandates requested by appellee and granted by this court is conditioned upon appellee not exercising during the pendency of the stay and unless the Supreme Court otherwise directs any authority purportedly conferred by 28 U.S.C. 591-598, with the exception of the acts directly incident to pursuing the right to appeal set forth in 28 U.S.C. 594(a)(3) and that appellee's request for modification of conditions of stay of confinement is denied. Ruth B. Ginsburg, Silberman and Williams, C.J.'s.

February 1, 1988—Appellant's Notice of Appeal to the Supreme Court of the United States.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

To: Edward C. Schmults
Vice President and General Counsel
GTE Corporation
1 Stamford Forum
Stamford, CT 06904

SUBPOENA TO TESTIFY BEFORE GRAND JURY

Subpoena for:

☒ Person ☐ Documents or Object(s)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place

United States Courthouse
Third Street and Constitution Avenue, N.W.
Washington, D.C. 20001

Room

Grand Jury Room #2
(third floor, main hall)

Date and Time

June 11, 1987 at 10:00 A.M.

* * * *

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

Clerk James F. Davey

(By) Deputy Clerk /s/ Bryan Whittington

Date May 19, 1987

This subpoena is issued upon application of the United States of America

Name, Address and Phone Number of
Assistant U.S. Attorney

Alexia Morrison, Independent Counsel
Richard C. Otto, Deputy Independent Counsel
2600 Virginia Avenue, N.W. Suite 1112
Washington, D.C. 20037 (202) 333-0025

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

To: Edward C. Schmults
Vice President and General Counsel
GTE Corporation
1 Stamford Forum
Stamford, CT 06904

SUBPOENA TO TESTIFY BEFORE GRAND JURY

Subpoena for:

☐ Person ☒ Documents or Object(s)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place

United States Courthouse
Third Street and Constitution Avenue, N.W.
Washington, D.C. 20001

Room

Grand Jury Room #2
(third floor, main hall)

Date and Time

June 4, 1987 at 10:00 A.M.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

the documents described in the attachment hereto.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

Clerk James F. Davey

(By) Deputy Clerk /s/ Bryan Whittington

Date May 19, 1987

This subpoena is issued upon application of the United States of America

Name, Address and Phone Number of
Assistant U.S. Attorney

Alexia Morrison, Independent Counsel
Richard C. Otto, Deputy Independent Counsel
2600 Virginia Avenue, N.W. Suite 1112
Washington, D.C. 20037 (202) 333-0025

ATTACHMENT TO SUBPOENA FOR EDWARD C. SCHMULTS
(June 4, 1987)

Any and all handwritten or typed documents or copies of documents, whether in draft or final form, specifically including, but not limited to, any notes, memoranda, correspondence, diaries, journals, logs, chronologies, or any other documents or copies of documents, of any kind, prepared by you or any other person, whether for personal purposes, or in your former official capacity as Deputy Attorney General, United States Department of Justice, or for any other reason, at any time from September 1, 1982 until the present, which are now in your possession or reasonably subject to your control and which relate or pertain in any way to either:

1) the controversy between the legislative and executive branches which began in September, 1982, when two Congressional subcommittees subpoenaed document relating to Superfund from the Environmental Protection Agency and the President, on the advice of the Department of Justice, directed the Administrator of the Environmental Protection Agency to assert, on his behalf, a claim of executive privilege in response to those subpoenas; or

2) the investigation of the activities of the Department of Justice during the controversy described in paragraph 1, above, conducted by the House Judiciary Committee between February, 1983, and cember, 1985, the results of which are set forth in the *Report of the Committee on the Judiciary of the House of Representatives (Ninety-Ninth Congress, First Session) on Investigation of the Role of the Department of Justice in the withholding of Environmental Protection Agency Documents from Congress in 1982-83.*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

To: Theodore B. Olson
Gibson, Dunn & Crutcher
1050 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036

SUBPOENA TO TESTIFY BEFORE GRAND JURY

Subpoena for:

☐ Person ☒ Documents or Object(s)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place

United States Courthouse
Third Street and Constitution Avenue, N.W.
Washington, D.C. 20001

Room

Grand Jury Room #2
(third floor, main hall

Date and Time

June 9, 1987 at 10:00 A.M.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

the documents described in the attachment hereto.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

Clerk James F. Davey

(By) Deputy Clerk /s/ Bryan Whittington

Date May 22, 1987

This subpoena is issued upon application of the United States of America

Name, Address and Phone Number of
Assistant U.S. Attorney

Alexia Morrison, Independent Counsel
Richard C. Otto, Deputy Independent Counsel
2600 Virginia Avenue, N.W., Suite 1112
Washington, D.C. 20037 (202) 333-0025

ATTACHMENT TO SUBPOENA FOR DOCUMENTS FROM THEODORE B. OLSON
(June 9, 1987)

Any and all handwritten or typed documents or copies of documents, whether in draft or final form, specifically including, but not limited to, any notes, memoranda, correspondence, diaries, journals, logs, chronologies, or any other documents or copies of documents, of any kind, prepared by you or any other person, whether for personal purposes, or in your former official capacity as Assistant Attorney General, United States Department of Justice, Office of Legal Counsel, or for any other reason, at any time from September 1, 1982 until the present, which are now in your possession or reasonably subject to your control and which relate or pertain in any way to either:

1) the controversy between the legislative and executive branches which began in September, 1982, when two Congressional subcommittees subpoenaed documents relating to the Superfund from the Environmental Protection Agency and the President, on the advice of the Department of Justice, directed the Administrator of the Environmental Protection Agency to assert, on his behalf, a claim of executive privilege in response to those subpoenas; or

2) the investigation of the activities of the Department of Justice during the controversy described in paragraph 1, above, conducted by the House Judiciary Committee between February, 1983 and December, 1985, the results of which are set forth in the *Report of the Committee on the Judiciary of the House of Representatives (Ninety-Ninth Congress, First Session) on Investigation of the Role of the Department of Justice in the withholding of Environmental Protection Agency Documents from Congress in 1982-83.*

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

To: Carol E. Dinkins
Vinson and Elkins
3300 First City Tower
10001 Fannin Street
Houston, Texas 77002-6760

SUBPOENA TO TESTIFY BEFORE GRAND JURY

Subpoena for:

☒ Person ☐ Documents or Object(s)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place

United States Courthouse
Third Street and Constitution Avenue, N.W.
Washington, D.C. 20001

Room

Grand Jury Room #2
(third floor, main hall)

Date and Time

June 18, 1987 at 10:00 A.M.

• • • •

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

Clerk James F. Davey

(By) Deputy Clerk /s/ Bryan Whittington

Date June 4, 1987

This subpoena is issued upon application of the United States of America

Name, Address and Phone Number of
Assistant U.S. Attorney

Alexia Morrison, Independent Counsel
Richard C. Otto, Deputy Independent Counsel
2600 Virginia Avenue, N.W. Suite 1112
Washington, D.C. 20037 (202) 333-0025

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

To: Carol E. Dinkins
Vinson and Elkins
3300 First City Tower
10001 Fannin Street
Houston, Texas 77002-6760

SUBPOENA TO TESTIFY BEFORE GRAND JURY

Subpoena for:

☐ Person ☒ Documents or Object(s)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

Place

United States Courthouse
Third Street and Constitution Avenue, N.W.
Washington, D.C. 20001

Room

Grand Jury Room #2
(third floor, main hall

Date and Time

June 16, 1987 at 10:00 A.M.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

the documents described in the attachment hereto.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

Clerk James F. Davey

(By) Deputy Clerk /s/ Bryan Whittington

Date June 4, 1987

This subpoena is issued upon application of the United States of America

Name, Address and Phone Number of
Assistant U.S. Attorney

Alexia Morrison, Independent Counsel
Richard C. Otto, Deputy Independent Counsel
2600 Virginia Avenue, N.W. Suite 1112
Washington, D.C. 20037 (202) 333-0025

ATTACHMENT TO SUBPOENA FOR DOCUMENTS FROM CAROL E. DINKINS

(June 16, 1987)

Any and all handwritten or typed documents or copies of documents, whether in draft or final form, specifically including, but not limited to, any notes, memoranda, correspondence, diaries, journals, logs, chronologies, or any other documents or copies of documents, of any kind, prepared by you or any other person, whether for personal purposes, or in your former official capacity as Assistant Attorney General, United States Department of Justice, Lands and Natural Resources Division, or for any other reason, at any time from September 1, 1982 until the present, which are now in your possession or reasonably subject to your control and which relate or pertain in any way to either:

1) the controversy between the legislative and executive branches which began in September, 1982, when two Congressional subcommittees subpoenaed documents relating to Superfund from the Environmental Protection Agency and the President, on the advice of the Department of Justice, directed the Administrator of the Environmental Protection Agency to assert, on his behalf, a claim of executive privilege in response to those subpoenas; or

2) the investigation of the activities of the Department of Justice during the controversy described in paragraph 1, above, conducted by the House Judiciary Committee between February, 1983, and December, 1985, the results of which are

set forth in the *Report of the Committee on the Judiciary of the House of Representatives (Ninety-Ninth Congress, First Session) on Investigation of the Role of the Department of Justice in the Withholding of Environmental Protection Agency Documents from Congress in 1982-83.*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Misc. No. 87-0197
Under Seal

IN RE SEALED CASE

ORDER

Upon consideration of the Motion to Quash Grand Jury Subpoenas filed in the above-captioned case, the Opposition thereto and the entire record in this matter, and in accordance with the Memorandum entered this date, it is by the Court this 20th day of July, 1987,

ORDERED, that the Motion to Quash is DENIED.

/s/ Aubrey E. Robinson, Jr.
Aubrey E. Robinson, Jr.
Chief Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Misc. No. 87-0205
Under Seal

IN RE SEALED CASE

ORDER

Upon consideration of the Motion to Quash Grand Jury Subpoenas filed in the above-captioned case, the Opposition thereto and the entire record in this matter, and in accordance with the Memorandum entered this date, it is by the Court this 20th day of July, 1987,

ORDERED, that the Motion to Quash is DENIED.

/s/ Aubrey E. Robinson, Jr.
Aubrey E. Robinson, Jr.
Chief Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Misc. No. 87-0205
Under Seal

IN RE SEALED CASE

[Filed July 20, 1987]

MEMORANDUM

Movant's Motion to Quash Grand Jury Subpoena in the above-captioned matter raises two contentions. The first —that the Independent Counsel provisions of the Ethics in Government Act are unconstitutional—was dismissed as without merit in the Court's public memorandum filed this date.

Movant's second argument is that the grant or jurisdiction in this matter violates both the Independent Counsel provisions of the Ethics in Government Act and the Constitution. The Court issues this memorandum under seal as this contention reveals the subject of this grand jury investigation and is thus a matter occurring before the grand jury pursuant to Federal Rule of Criminal Procedure 6(e) and Local Rule 302.

Movant's argument requires no extended discussion as the Court in *In re Olson*, No. 86-1, D.C. Cir. Indep. Couns. Div., April 2, 1987, described the scope of this Independent Counsel's jurisdiction at pages 23-25. The subpoena at issue in this matter is appropriate under that grant of jurisdiction.

An appropriate Sealed Order accompanies this Memorandum.

/s/ Aubrey E. Robinson, Jr.
Aubrey E. Robinson, Jr.
Chief Judge

Date: July 20, 1987

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Misc. No. 87-0215
Under Seal

IN RE SEALED CASE

ORDER

Upon consideration of the Motion to Quash Grand Jury Subpoenas filed in the above-captioned case, the Opposition thereto and the entire record in this matter, and in accordance with the Memoranda entered this date, it is by the Court this 20th day of July, 1987,

ORDERED, that the Motion to Quash is DENIED.

/s/ Aubrey E. Robinson, Jr.
Aubrey E. Robinson, Jr.
Chief Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Misc. No. 87-0205
(Under Seal)

IN RE SEALED CASE

ORDER

Upon consideration of the Motion for Reconsideration of Sealed Memorandum and Order, the Opposition thereto and the entire record in this matter, it is by the Court this 4th day of August, 1987,

ORDERED, that the Motion is DENIED and that Movant shall comply forthwith with the subpoena issued to him.

/s/ Aubrey E. Robinson, Jr.
Aubrey E. Robinson, Jr.
Chief Judge

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
Washington, D.C. 20543

JOSEPH F. SPANIOL, JR.,
CLERK OF THE COURT

AREA CODE 202
479-3011

February 22, 1988

Alexia Morrison, Esq.
2600 Virginia Avenue, N.W.
Washington, D.C. 20037

Re: 87-1279—Alexia Morrison, Independent Counsel v. Theodore B. Olson, Edward C. Schmults and Carol E. Dinkins

Dear Ms. Morrison:

The Court today entered the following order in the above stated case:

"In this case probable jurisdiction is noted. The motion of Lawrence Walsh, Independent Counsel, for leave to file a brief as *amicus curiae* is granted. The motions to establish an expedited schedule for briefing and oral argument are granted. Appellant's brief shall be filed by 3 p.m. March 9, 1988. Appellees' briefs shall be filed by 3 p.m. April 8, 1988. Reply briefs, if any, shall be filed by 3 p.m. April 18, 1988. Oral argument is set for April 26, 1988 at 10 a.m. The motion to dispense temporarily with printing briefs is denied. The motions for additional time for oral argument are denied without prejudice. The application for full stay of mandate of the United States Court of Appeals for the District of Columbia Circuit presented to the Chief Justice and by him referred to the Court is granted pending the sending down of the judgment of this Court. Justice Kennedy took no part in the

consideration or decision of these motions and orders."

Very truly yours,

JOSEPH F. SPANIOL, JR., Clerk

Sandy Nelsen
Assistant Clerk

Enclosures